

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHELBY GAIL HEIFETZ,

Plaintiff,

v.

MANOJKUMAR NILKANTH, et al.,

Defendants.

Case No. 18-cv-04623-TSH

**ORDER ENFORCING GENERAL  
ORDER 56**

Re: Dkt. Nos. 17, 18

General Order 56 is intended to reduce the burden and expense of litigating denial of access cases under Titles II and III of the Americans with Disabilities Act. To that end, it provides for the parties to such cases to conduct initial disclosures, perform a joint site inspection, meet and confer regarding settlement, and if they do not settle, to have a mediation. While those steps are underway, all other discovery and proceedings are stayed. In this action, Defendant Priti Nilkanth has filed a request for an order for Plaintiff Shelby Heifetz to show cause why she has standing, why her ADA claim is not moot, and why her Unruh Act claim should not be remanded to state court. ECF No. 17. In response, Heifetz has filed a motion to strike Nilkanth's request. ECF No. 18.

Nilkanth's request would require summary judgment-like consideration of evidence on the issues of standing and mootness, as neither defect is apparent on the face of the complaint. And before the Court rules on contested factual assertions, the parties would be entitled to discovery, including depositions and document requests. But discovery and motion practice are precisely the

1 kinds of expenses from which General Order 56 spares the litigants during these initial steps to see  
2 if the case can be settled early on. Nilkanth's request for an order to show cause is therefore  
3 **DENIED**, and Heifetz's motion to strike is **DENIED** as moot.

4 **IT IS SO ORDERED.**

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6 Dated: February 4, 2019

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8 THOMAS S. HIXSON  
9 United States Magistrate Judge  
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